

## **Joint Standards Committee**

**To:** Councillors Rowley BEM (Chair), Fisher, Kent, Pavlovic and Runciman (CYC Members)

Councillors Waudby (Vice-Chair), Chambers and Rawlings (Parish Council Members)

Mr J Leigh and Ms R Mazza (Independent Persons)

**Date:** Tuesday, 23 July 2024

**Time:** 4.00 pm

**Venue:** West Offices - Station Rise, York YO1 6GA

### **AGENDA**

**1. Declarations of Interest** (Pages 1 - 2)

At this point in the meeting, Members and co-opted members are asked to declare any disclosable pecuniary interest, or other registerable interest, they might have in respect of business on this agenda, if they have not already done so in advance on the Register of Interests. The disclosure must include the nature of the interest.

An interest must also be disclosed in the meeting when it becomes apparent to the member during the meeting.

[Please see the attached sheet for further guidance for Members.]

**2. Exclusion of Press and Public**

To consider the exclusion of the press and public from the meeting during consideration of exempt Annexes A(ii) and B (ii) to Agenda Item 8 (Monitoring report in Respect of Complaints Received) on the grounds that it contains information which is likely to reveal the identity of individuals.

This information is classed as exempt under paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as revised by The Local Government (Access to Information) (Variation) Order 2006.

- 3. Minutes** (Pages 3 - 8)  
To approve and sign the minutes of the meeting of the Joint Standards Committee held on 14 May 2024.

- 4. Urgent Business**  
Any other business which the Chair decides is urgent under the Local Government Act 1972.

- 5. Public Participation**  
At this point in the meeting members of the public who have registered to speak can do so. Members of the public may speak on agenda items or on matters within the remit of the committee. **Please note that our registration deadlines are set as 2 working days before the meeting, in order to facilitate the management of public participation at our meetings.** The deadline for registering at this meeting is **5:00pm on Friday 19 July 2024.**

To register to speak please visit [www.york.gov.uk/AttendCouncilMeetings](http://www.york.gov.uk/AttendCouncilMeetings) to fill in an online registration form. If you have any questions about the registration form or the meeting, please contact Democratic Services. Contact details can be found at the foot of this agenda.

### **Webcasting of Public Meetings**

Please note that, subject to available resources, this meeting will be webcast including any registered public speakers who have given their permission. The meeting can be viewed live and on demand at [www.york.gov.uk/webcasts](http://www.york.gov.uk/webcasts).

During coronavirus, we made some changes to how we ran council meetings, including facilitating remote participation by public speakers. See our updates ([www.york.gov.uk/COVIDDemocracy](http://www.york.gov.uk/COVIDDemocracy)) for more information on meetings and decisions.

- 6. Case Handling Procedure Update**  
Members will receive a verbal update on the proposed Case Handling Procedure amendments.

**7. Review of Work Plan** (Pages 9 - 10)  
To consider the Committee's work plan for the current year and decide whether any amendments or additions are required.

**8. Monitoring Report on Complaints Received** (Pages 11 - 22)  
To receive a routine update report on recent standards complaints.

Democracy Officer:

Jane Meller

Contact Details:

Telephone: (01904) 555209

Email: [jane.meller@york.gov.uk](mailto:jane.meller@york.gov.uk)

For more information about any of the following please contact the Democratic Services Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

**Alternative formats**

If you require this document in an alternative language or format (e.g. large print, braille, Audio, BSL or Easy Read) you can:



Email us at: [cycaccessteam@york.gov.uk](mailto:cycaccessteam@york.gov.uk)



Call us: **01904 551550** and customer services will pass your request onto the Access Team.



Use our BSL Video Relay Service:  
[www.york.gov.uk/BSLInterpretingService](http://www.york.gov.uk/BSLInterpretingService)



Select 'Switchboard' from the menu.



We can also translate into the following languages:

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی مہیا کی جاسکتی ہیں۔ (Urdu)

### Declarations of Interest – guidance for Members

- (1) Members must consider their interests, and act according to the following:

Type of Interest	You must
Disclosable Pecuniary Interests	Disclose the interest, not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Directly Related) <b>OR</b> Non-Registrable Interests (Directly Related)	Disclose the interest; speak on the item <u>only if</u> the public are also allowed to speak, but otherwise not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.
Other Registrable Interests (Affects) <b>OR</b> Non-Registrable Interests (Affects)	Disclose the interest; remain in the meeting, participate and vote <u>unless</u> the matter affects the financial interest or well-being: (a) to a greater extent than it affects the financial interest or well-being of a majority of inhabitants of the affected ward; and (b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest. In which case, speak on the item <u>only if</u> the public are also allowed to speak, but otherwise do not participate in the discussion or vote, and leave the meeting <u>unless</u> you have a dispensation.

- (2) Disclosable pecuniary interests relate to the Member concerned or their spouse/partner.
- (3) Members in arrears of Council Tax by more than two months must not vote in decisions on, or which might affect, budget calculations,

and must disclose at the meeting that this restriction applies to them. A failure to comply with these requirements is a criminal offence under section 106 of the Local Government Finance Act 1992.

City of York Council

Minutes

---

Meeting	Joint Standards Committee
Date	14 May 2024
Present	Councillors Rowley BEM (Chair), Fisher, Lomas, Pavlovic, Runciman (CYC Members), Councillor Chambers (Parish Council Member)
	Mr J Leigh (Independent Person)
Apologies	Parish Councillor Rawlings and Ms R Mazza (Independent Person)
Officers Present	Frances Harrison, Deputy Monitoring Officer Helen Whiting, Head of HR Claire Foale, Assistant Director, Policy and Strategy

---

#### 49. **Declarations of Interest (4:02 pm)**

Members were asked to declare any personal interests not included on the Register of Interests, or any prejudicial interests or disclosable pecuniary interests which they might have in respect of business on the agenda.

Cllr Fisher noted that he was named as a party in the complaints received log.

#### 50. **Exclusion of Press and Public (4:03 pm)**

Resolved: That the press and public be excluded from the meeting during consideration of the exempt versions of Annexes A and B to Agenda Item 11 (Monitoring Report in Respect of Complaints Received), on the grounds that they contain information likely to reveal the identity of individuals, which is classed as exempt under Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended by the Local Government (Access to Information) (Variation) Order 2006.

**51. Minutes (4:04 pm)**

Resolved: That the minutes of the meeting of the Joint Standards Committee held on 08 April 2024 be approved and signed as a correct record.

**52. Minutes of Sub-Committees (4:04 pm)**

Resolved: That the minutes of the following sub-committee meetings be approved and signed as a correct record:

- Hearings Sub-Committee, 18 April 2024, 1:30pm
- Hearings Sub-Committee, 18 April 2024, 2:45pm

**53. Public Participation (4:05 pm)**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**54. Officer Support Protocols (4:05 pm)**

The Head of HR introduced her report and outlined the support available to officers who make, or wish to make, a complaint against councillors.

Members were in agreement that the support of a trade union representative would be beneficial to officers in these circumstances. Officers reported that the protocols were embedded within the organisation as there was a culture of being able to raise concerns; Managers were aware of the appropriate processes to follow once a concern had been raised.

Resolved:

- i. That the report be noted.
- ii. A review of current procedures should be escalated to either Audit and Governance or the Constitution Working Group to consider:
  - a. Enabling and making explicit that complainants who are members of staff be given a right to be accompanied by a fellow employee or TU representative in any investigatory



meeting and/or formal hearing in line with other employment practices.

- b. How best to support a complainant who is an officer during and after any Standards investigation and/or Hearing.
- c. That the Trade Union representative to be briefed on the Standards Hearing Procedures before attending a hearing.

Reason: To ensure that procedures are fully embedded in the council's constitution.

**55. Member Induction (4:28 pm)**

The Assistant Director of Policy and Strategy provided an overview of her report on the Member Induction programme and noted that Veritau were auditing Member engagement for Induction and would be reporting in July.

Members discussed with Officers their own experiences of the programme and highlighted difficulties in accessing the systems used. Members emphasised the benefits of peer to peer learning, welcomed the recording of the sessions which provided flexibility for Members and discussed the possibility of extending the training, especially standards training to Parish Councillors.

It was reported that officers were working towards using one platform for all training which should improve accessibility and they would look to build in more Member-led training sessions in future. YLCA (Yorkshire Local Councils Association) training was highlighted as being readily available to Parishes.

It was also noted that the political breakdown of the attendance figures was not especially relevant, as the political parties varied both in size and balance of new / returning members.

Resolved: That the report be noted, and the feedback, outlined above be considered for future member development programmes.

Reason: To ensure that the high standards of conduct expected of Members be communicated through the induction programme.

**56. Review of The Case Handling Procedure For Complaints Under The Member Code Of Conduct (Appendix 29 Of The Council's Constitution) Update (4:51 pm)**

The Deputy Monitoring Officer introduced her report on the Case Handling Procedure for complaints, noting that this had been brought to the Committee in November. She emphasised that her recommendations must be balanced against the efficient use of resources.

Members welcomed the report and expressed their desire to have the recommendations brought to the constitutional working group in the near future.

Resolved:

- i. That the update be noted.
- ii. Officers to take a report on the Case Handling Procedure to the Constitutional Working Group as soon as possible.

Reason: To ensure that the changes are actioned promptly.

**57. Review of Work Plan (5:06 pm)**

Members considered the committee's work plan for the current municipal year.

Resolved: That the work plan be approved subject to the following additions:

- A verbal update on the progress of the Case Handling Procedure to be brought to July's meeting.

Reason: To ensure that the committee has a planned programme of work in place.

**58. Monitoring Report On Complaints Received (5:07 pm)**

Members considered a report which provided an update on current business as regards complaints.

Resolved: That the report be noted.

Reason: To ensure that the committee is aware of current levels of activity.

Cllr M Rowley BEM, Chair

The meeting started at 4.01 pm and finished at 5.29 pm.

This page is intentionally left blank

**Work Plan for Joint Standards Committee 2024/25**

<b>Meeting Date</b> (4.00pm start time)	<b>Items</b>	<b>Notes</b>
23 July 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Update on the progress of the Case Handling Procedure</li> <li>• Review of Work Plan</li> </ul>	Standard Item
17 September 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item
12 November 2024	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item
21 January 2025	<ul style="list-style-type: none"> <li>• Monitoring report in respect of complaints received</li> <li>• Review of Work Plan</li> </ul>	Standard Item

18 March 2025	<ul style="list-style-type: none"><li>• Monitoring report in respect of complaints received</li><li>• Review of Work Plan</li></ul>	Standard Item
---------------	---	---------------

Pending items for consideration:

- Review of Citywide Democratic Engagement of Parished and Non Parished areas



---

**Joint Standards Committee****23 July 2024**

Report of the Deputy Monitoring Officer

**Monitoring Report in respect of Complaints Received****Summary**

1. This report is to update the Committee on the position regarding ongoing complaints.

**Background**

2. The Joint Standards Committee is responsible for promoting a culture of openness, accountability, probity and the maintenance of high standards of conduct by members. In order to do this, it reviews all code of conduct complaints. This enables, amongst other things:
  - Monitoring overall numbers of complaints allowing comparison with similar authorities
  - Monitoring trends of increasing/decreasing levels of complaints and identifying links to key events or triggers
  - Identifying common types of complaints which may illustrate a need for enhanced training and information
  - Assessing the efficacy of sanctions imposed by linking an increase/decrease in complaints regarding a particular member or from a particular locus to intervention or sanctions previously imposed.
  - Assessing the efficacy of the complaints procedure and identifying possible improvements.

**Commentary on Case Logs****Open cases**

3. Case reference 2023/21 falls under paragraph 5 of the complaints handling process and was considered by a JSC Assessment Sub Committee on 30<sup>th</sup> January 2024. The Committee decided to refer

the matter for investigation which it indicated should be external. The cost of an external investigation was explored and found to be disproportionate. The investigation is being undertaken by two senior CYC lawyers who expect to complete their report in August in readiness for a hearing committee in September 2024.

4. Case reference 2024/01 falls under paragraph 5 of the complaints handling process. It was referred to a JSC Sub Committee for assessment which determined the complaint was not in scope. Following receipt of external legal advice on the Equality Act and implications for accessibility of the complaints handling procedure, the Monitoring Officer has agreed to a re-hearing as a reasonable adjustment. The matter will be presented to the JSC Sub Committee sitting on today's date.
5. Case references 2024/06 and 2024/09 are interrelated and have been assessed by the Deputy Monitoring Officer as in scope and requiring investigation. The views of the IP have been sought. The investigation will be carried out by CYC Legal Services.
6. Case reference 2024/08 falls under paragraph 5 of the complaints handling process. The matter will be presented to the JSC Sub Committee sitting on today's date.

#### **Cases closed since last JSC**

7. Case reference 2024/07 was assessed by the Deputy Monitoring Officer as being out of scope. This is because the subject member was not acting in their capacity as a councillor when the alleged breach occurred.

#### **Implications**

8. **Financial** Not applicable to this report.
9. **Human Resources (HR)** Not applicable to this report.
10. **Equalities** Maintaining standards across the City through the Code of Conduct ensures that an ethical framework can be adhered to, including ensuring that equality issues form an integral part of that framework.
11. **Legal** As detailed within the report.
12. **Crime and Disorder, Information Technology and Property** Not applicable to this report.



**Recommendations**

- 13. That the Joint Standards Committee notes the report, in order to ensure that the Committee is aware of the current levels of activity and is able to provide oversight of the complaints procedure.

**Author & Officer Responsible for the report:**

Frances Harrison  
Deputy Monitoring Officer  
frances.harrison@york.gov.uk

**Report  
Approved**

**Date** 1 July 2024

**Wards Affected:**

**All**

**For further information please contact the author of the report**

**Background Papers:**

- Annex A (i) – Table showing open complaints received.
- Annex A (ii) - Table showing open complaints received (confidential)
- Annex B (i)– Table showing recently closed complaints.
- Annex B (ii)- Table showing recent complaints (confidential)

This page is intentionally left blank

### Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2023/21 (LT)	CYC	York residents	26/11/23	The complainants allege that the behaviour of the 3 Councillor's is not in line with the code. Multiple examples of these allegations over a period of time have been provided by all complainants.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p> <p>Assessment Sub Committee arranged for 30<sup>th</sup> January 2024.</p> <p>The Assessment Sub Committee assessed the complaint and recommended to progress to investigation. Parties notified. Investigation ongoing.</p>
2024/01 (FH)	City	York resident	15/01/24	The complainant alleges the Councillor failed to respond, failed to rectify the alleged disability discrimination they had suffered and that was disrespectful under the Code.	<p>This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.</p> <p>Views of the IP sought.</p>
2024/06	Parish	Parish	19/03/24	The complainant alleges the Councillors breached the code of conduct at a Council meeting, in that they brought their Councils into disrepute, failed to respect a fellow Councillor during a meeting, failed to declare an interest in procedures, attempted to make false minutes and made false statements during the meeting.	<p>This complaint is currently being assessed by the Deputy Monitoring Officer as part of a series of complaints at the Council.</p> <p>Views of the IP sought.</p>

Open Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
					The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation.
2024/08	CYC	CYC	15/05/24	The complainant alleges the Councillor breached the code of conduct in a post made online whilst acting in their capacity as Councillor. The post is allegedly defamatory, fails to treat others with respect, is an attempt to bully and intimidate and brings the council into disrepute.	This complaint falls under paragraph 5 of the complaints handling process. It will therefore be referred to a JSC Sub Committee for assessment.  Views of the IP sought.
2024/09	Parish	Resident	12/06/24	The complainant alleges the Councillor breached the code of conduct by not treating others with respect, bullying others and breaching confidentiality in a public meeting.	This complaint is currently being assessed by the Deputy Monitoring Officer as part of a series of complaints at the Town Council.  Views of the IP sought.
		Parish	14/06/24	The complainant alleges the Councillor has repeatedly breached numerous elements of the code of conduct. Extensive evidence has been provided.	The Deputy Monitoring Officer assessed the complaint and recommended to progress to investigation.

Recently Closed Complaints Log - Public

Case ref	City or Parish	Complainant	Date Received	Nature of Complaint	Status / updates
2024/07	CYC	CYC	04/05/24	The complainant alleges the Councillor breached the code through the misuse of council resources when delivering leaflets for the recent election. Comments on a local news site shared as evidence of the alleged breach.	This complaint was assessed by the Deputy Monitoring Officer. The decision was made that the complaint is not in scope in accordance with paragraph 4 of the case handling procedure. This is because the subject member was not acting in their capacity as a councillor when the alleged breach occurred. There was no reference in the comment or the username to their role as an elected member, and there is no evidence or suggestion that any council resources were used.

This page is intentionally left blank

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank